

E-filed 10/6/06

GEORGE A. RILEY (State Bar No. 118304)
 LUANN L. SIMMONS (State Bar No. 203526)
 O'MELVENY & MYERS LLP
 Embarcadero Center West
 275 Battery Street
 San Francisco, California 94111
 Telephone: (415) 984-8700
 Facsimile: (415) 984-8701
 E-Mail: griley@omm.com
 lsimmons@omm.com

DAVID M. FURBUSH (State Bar No. 83447)
 O'MELVENY & MYERS LLP
 2765 Sand Hill Road
 Menlo Park, California 94025
 Telephone: (650) 473-2600
 Facsimile: (650) 473-2601
 E-Mail: dfurbush@omm.com

Attorneys for Individual Defendants STEVEN P. JOBS,
 FRED D. ANDERSON, WILLIAM V. CAMPBELL,
 MILLARD S. DREXLER, ALBERT A. GORE, JR.,
 ARTHUR D. LEVINSON, JEROME B. YORK,
 JONATHAN RUBINSTEIN, TIMOTHY D. COOK,
 AVADIS TEVANIAN, JR., GUERRINO DE LUCA,
 ROBERT CALDERONI, and MITCHELL MANDICH
 and Nominal Defendant APPLE COMPUTER, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL PRIEBE and CYNTHIA PRIEBE,
 Plaintiffs,

v.

STEVEN P. JOBS, FRED D. ANDERSON,
 WILLIAM V. CAMPBELL, MILLARD S.
 DREXLER, ALBERT A. GORE, JR., ARTHUR
 D. LEVINSON, JEROME B. YORK, EDGAR S.
 WOLLARD, JR., GARETH C. C. CHANG,
 DELANO E. LEWIS, KATHERINE M.
 HUDSON, JONATHAN RUBINSTEIN,
 TIMOTHY D. COOK, AVADIS TEVANIAN,
 JR., GUERRINO DE LUCA, ROBERT
 CALDERONI, and MITCHELL MANDICH,

Defendants,

- and -

APPLE COMPUTER, INC.,
 a California corporation,

Nominal Defendant.

Case No. C 06-04703-JF

**FURTHER STIPULATION AND
~~PROPOSED~~ ORDER
 EXTENDING TIME FOR
 DEFENDANTS TO RESPOND TO
 COMPLAINT**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Michael Priebe and Cynthia
2 Priebe ("Plaintiffs") and Individual Defendants Steven P. Jobs, Fred D. Anderson, William V.
3 Campbell, Millard S. Drexler, Albert A. Gore, Jr., Arthur D. Levinson, Jerome B. York, Jonathan
4 Rubinstein, Timothy D. Cook, Avadis Tevanian, Jr., Guerrino De Luca, Robert Calderoni,
5 Mitchell Mandich and Nominal Defendant Apple Computer, Inc. ("Defendants") as follows:

6 WHEREAS, Plaintiffs filed their complaint against Apple on August 2, 2006;

7 WHEREAS, Defendants are currently scheduled to respond to Plaintiffs' Complaint by
8 October 6, 2006;

9 WHEREAS, counsel are engaged in discussing the possibility of consolidation of this
10 matter with related cases and/or the subsequent filing of a consolidated complaint;

11 WHEREAS, the undersigned parties wish to further judicial efficiency by deferring
12 responsive pleadings until such time as consolidation issues are addressed;

13 NOW, THEREFORE, pursuant to Local Rule 6-1, the undersigned parties hereby stipulate
14 as follows:

15 All defendants who have been served to date, and all defendants who shall subsequently
16 accept service and request to be covered by this stipulation, shall have a further extension of time
17 to answer or otherwise respond to 30 days after the filing of a consolidated complaint, or in the
18 event that the Court denies the forthcoming motion for consolidation, the above-described
19 defendants shall answer or otherwise respond to Plaintiffs' Complaint no later than 30 days after
20 such denial.

21 IT IS SO STIPULATED.

22 Dated: October 5, 2006

23 GEORGE A. RILEY
24 DAVID M. FURBUSH
25 LUANN L. SIMMONS
26 O'MELVENY & MYERS LLP

27 By: /s/ Luann L. Simmons

28 Luann L. Simmons

Attorneys for Individual Defendants STEVEN
P. JOBS, FRED D. ANDERSON, WILLIAM
V. CAMPBELL, MILLARD S. DREXLER,

ALBERT A. GORE, JR., ARTHUR D.
LEVINSON, JEROME B. YORK,
JONATHAN RUBINSTEIN, TIMOTHY D.
COOK, AVADIS TEVANIAN, JR.,
GUERRINO DE LUCA, ROBERT
CALDERONI, and MITCHELL MANDICH
and Nominal Defendant APPLE COMPUTER,
INC.

Dated: October 5, 2006

PETER A. BINKOW
GLANCY BINKOW & GOLDBERG LLP

By: /s/ Peter A. Binkow

Peter A. Binkow

Attorneys for Plaintiffs
MICHAEL PRIEBE and CYNTHIA PRIEBE

CERTIFICATION OF CONCURRENCE

I attest under penalty of perjury that concurrence in the filing of this document has been
obtained from Peter A. Binkow.

Dated: October 5, 2006

GEORGE A. RILEY
DAVID M. FURBUSH
LUANN L. SIMMONS
O'MELVENY & MYERS LLP

By: /s/Luann L. Simmons


Luann L. Simmons

Attorneys for Individual Defendants STEVEN
P. JOBS, FRED D. ANDERSON, WILLIAM
V. CAMPBELL, MILLARD S. DREXLER,
ALBERT A. GORE, JR., ARTHUR D.
LEVINSON, JEROME B. YORK,
JONATHAN RUBINSTEIN, TIMOTHY D.
COOK, AVADIS TEVANIAN, JR.,
GUERRINO DE LUCA, ROBERT
CALDERONI, and MITCHELL MANDICH
and Nominal Defendant APPLE COMPUTER,
INC.

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 10/6/06


The Honorable Jeremy Fogel
United States District Judge

MP1:988723.1